

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICOLE L. DELGADO,

Defendant.

4:18-CR-3089

ORDER

The defendant has filed a motion to return two cellphones that were seized from her. [Filing 48](#). In response, the government represented that the cell phones might be needed as evidence in case no. 4:18-cr-3150, and suggested waiting until the time for the defendant in that case to file a petition for writ of certiorari had passed. [Filing 49](#); see *United States v. Vanhorn*, 296 F.3d 713, 719 (8th Cir. 2002).

That time has now passed, and a review of the Court's records indicates that the judgment in 4:18-cr-3150 is final and that no writ of certiorari was filed. Accordingly, there should be no barrier to returning the defendant's property to her—except, of course, for the fact that the cellphones are generally contraband in federal prison. The Court will, therefore, grant the defendant's motion, but direct the government to release the property to the defendant's representative, attorney Darik Van Loh.

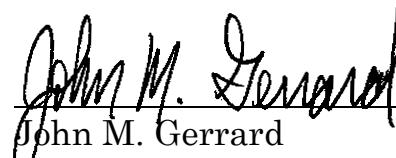
IT IS ORDERED:

1. The defendant's motion for the return of seized property ([filing 48](#)) is granted.

2. The government shall provide a copy of this Order to the custodian of the seized property, and facilitate the transfer of the property to the defendant's counsel.

Dated this 4th day of March, 2021.

BY THE COURT:



John M. Gerrard  
Chief United States District Judge